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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/282,764	03/31/1999	JAY PONTE	GTE-99-808	9068

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VERIZON CORPORATE SERVICES GROUP INC.
C/O CHRISTIAN R. ANDERSEN
600 HIDDEN RIDGE DRIVE
MAILCODE HQEO3H14
IRVING, TX 75038

EXAMINER

CHAMPAGNE, DONALD

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/282,764

Applicant(s)

PONTE ET AL.

Examiner

Donald L. Champagne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-8, 10-17 and 19-25 is/are rejected.
- 7) ☒ Claim(s) 9 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 17 November 2004 has been entered.

Response to Arguments

2. Applicant's arguments filed with an amendment on 17 November 2004 have been fully considered but they are not entirely persuasive. The additional arguments are discussed expressly at para. 8 and 10 below, and allowable matter is indicated at para. 12 and 13 below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 6-8, 10-17 and 19-25 are rejected under 35 U.S.C. 103(a) as being obvious over Herz et al. in view of Kramer et al.
5. Herz et al. teaches (independent claims 6, 15 and 24) a method executed in a computer system, computer program product and apparatus for targeting advertisements, the method comprising: defining at least one category (*cluster*) as containing *target object documents* that may be retrieved (col. 8 lines 48-49 and 58-59); associating at least one supercategory (*cluster*) with multiple categories (*subclusters*) by mapping the multiple categories to the at least one supercategory (col. 7 lines 35-39 and col. 24 lines 12-45); associating an advertisement with *target object X*, the advertisement being separate from the documents

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contained in the at least one category (col. 39 line 64 to col. 40 line 21); determining at least one term associated with a user search query (col. 56 lines 16-18 or col. 66 lines 41-42); determining a first of said at least one *cluster*/supercategory based on at least one term/*search profile P* of said user search query and said multiple *subclusters*/categories of the at least one *cluster*/supercategory (col. 25 lines 1-17); and displaying an advertisement associated with said *target object X* (col. 40 lines 22-24).

6. Herz et al. does not teach associating an advertisement with at least one of said supercategories. Kramer et al. teaches associating an advertisement with at least one of said supercategories (col. 32 lines 24-54, where *illuminations* are ads and the “children’s books” aggregate attribute is the example supercategory with which the ad/*illumination* is associated). Because Kramer et al. presents a simple and economical hierarchical structure for selecting the best ad, while Herz et al. (col. 40 lines 1-21) presents only three general approaches that lack economy (i.e., do not suggest limiting the first choice to a few ads), it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add the teachings of Kramer et al. to those of Herz et al.
7. Herz et al. teaches every feature of the instant invention except associating an ad with a supercategory. Herz et al. does teach associating an ad with a target object, i.e., a subcategory, but teaches only three general options for selecting this ad (col. 40, lines 1-21). None of the three options are very helpful. Kramer et al. recognizes this problem of selecting the best ad from many candidates, and suggests that a solution is to first associate an ad with a supercategory. This inherently limits the candidates (to eight in the Kramer et al. example). The solution offered by Kramer et al. is so simple and effective that one of ordinary skill in the art would be compelled to adopt it in place of the ad selection proposals in Herz et al.
8. Applicant argues (first two para. on p. 9) that Kramer et al. does not teach categories with documents that may be retrieved or supercategories associated with multiple categories. First, patents are granted or denied based on technology, not merely based on words. While it is true that Kramer et al. does not use the words “supercategories” or “categories”, the reference does teach “... a ‘children’ aggregate attribute that is an aggregate of more specific attributes such as ‘infant/preschool’, ‘young school age’, ‘middle schoolers’ and ‘high schoolers’” (col. 32 lines 35-38, emphasis added). One of ordinary skill in the art

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would recognize aggregate attribute and attributes to respectively mean a supercategory associated with categories. The categories comprise books (col. 32 lines 32-34), which are documents that may be retrieved. Applicant also argues that the attribute/supercategory is "children", not children's books. One of ordinary skill in the art would recognize that "a 'children' aggregate attribute" (col. 32 line 35) means a children's books aggregate attribute/supercategory.

9. Herz et al. also teaches: claims 7, 16 and 25 (col. 68 lines 15-56, where at lines 55-56 FIG. "8", "9" and "10" should respectively be FIG. 7, 8 and 9); claims 8, 17, 10 and 19 (col. 9 lines 63-66 and col. 15 lines 56-67, where *attributes* reads on "additional terms", and said terms/*attributes* are associated with objects as well as queries, and therefore associated with *clusters/categories*); claims 11 and 20 (Fig. 16); and claims 12 and 21 (col. 4 line 54 and col. 26 lines 17-19).
10. Applicant argues (p. 10, first full para., with respect to claim 7) that Herz et al. does not teach ranking to determine said first supercategory. Applicant is correct that the teaching was not clear in the citation. The citation has been changed to col. 68 lines 15-56 in Herz et al., where at lines 55-56 FIG. "8", "9" and "10" should respectively be FIG. 7, 8 and 9. Therein Herz et al. teaches ranking clusters and subclusters by user interest, which reads on ranking supercategories and categories.
11. Neither Herz et al. nor Kramer et al. teach (claims 13-14 and 22-23) forming a banner ad term list. However, Kramer et al. does teach targeting banner ads (col. 1 line 67). Because a term list and dedicated server facilitate the targeting of banner ads, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add a banner ad term list to the teachings of Herz et al. in view and Kramer et al.

Allowable Subject Matter

12. Claims 9 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
13. The following is an examiner's statement of reasons for the indication of allowable subject matter: the closest prior art, Herz et al. in view of Kramer et al., does not teach or suggest that the documents in said at least one category include business information taken from

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listings in at least one directory of businesses. Alberts (US005937392A) teaches targeting ads based on a user searching a business directory for a particular category of business (col. 7 lines 14-18). The result of said search would be a document in at least one category that includes business information taken from listings in at least one directory of businesses. However, the prior art does not teach or suggest that the teachings of Alberts be added to those of Herz et al. and Kramer et al. Alberts teaches serving ads based on categories (e.g., photography or skiing). That fails to recognize the problem identified by Kramer et al. (para. 6 above), so Alberts teaches away from the combination of Herz et al. and Kramer et al.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Champagne whose telephone number is 571-272-6717. The examiner can normally be reached from 6:30 AM to 5 PM ET, Monday to Thursday. The examiner can also be contacted by e-mail at donald.champagne@uspto.gov, and *informal* fax communications (i.e., communications not to be made of record) may be sent directly to the examiner at 571-273-6717.
15. The examiner's supervisor, Eric Stamber, can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.
16. **ABANDONMENT** – If examiner cannot by telephone verify applicant's intent to continue prosecution, the application is subject to abandonment six months after mailing of the last Office action. The agent, attorney or applicant point of contact is responsible for assuring that the Office has their telephone number. Agents and attorneys may verify their registration information including telephone number at the Office's web site, www.uspto.gov. At the top of the home page, click on Site Index. Then click on Agent & Attorney Roster in the alphabetic list, and search for your registration by your name or number.

DONALD L. CHAMPAGNE
PRIMARY EXAMINER

Donald L. Champagne
Primary Examiner
Art Unit 3622

1 January 2005